

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEVON CHRISTOPHER WENGER,

Defendant.

Case No. [23-cr-00269-JSW-3](#)

**ORDER REGARDING MISTRIAL
MOTION**

Re: Dkt. No. 440

Now before the Court is the Declaration of Bill H. Seki pursuant to the Court's March 25, 2025 order. The Court required Mr. Seki to respond to the factual contentions made by Attorney Nicole Lopes in support of her motion for mistrial, and Mr. Seki has now done so.

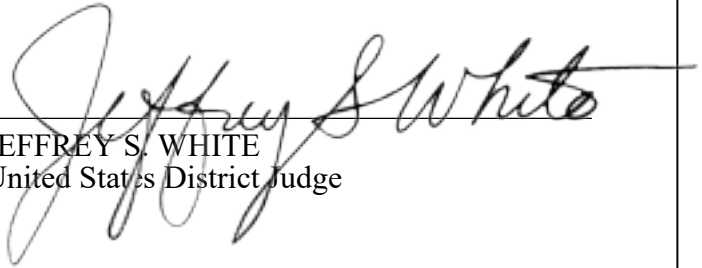
As the Court stated on the record, it is considering whether further action is necessary in response to the March 5, 2025 mistrial in this case. In order to determine next steps, if any, the Court requires additional information from Mr. Seki, and it gives Ms. Lopes an opportunity to respond. The Court accordingly ORDERS as follows:

1. Ms. Lopes may respond via declaration or affidavit, in writing, and with documentary evidence as needed, to the contentions in Mr. Seki's declaration by May 2, 2025. Ms. Lopes shall state whether she agrees with Mr. Seki's representations and, if not, on what basis.
2. Mr. Seki shall submit the billing records for Ms. Lopes from May 2024 through the original trial in this case by May 2, 2025. The Court directs Mr. Seki's attention to Criminal Local Rule 56-1, which provides the procedure for moving to seal materials in a criminal case.
3. If the Government or Counsel for Mr. Morteza Amiri wish to weigh in with factual

information which bears on these issues, they may do so by May 2, 2025. The Court seeks to complete the factual record and will not consider legal argument from the Government or Counsel for Mr. Amiri at this time.

IT IS SO ORDERED.

Dated: April 18, 2025


JEFFREY S. WHITE
United States District Judge